

October 31, 2003

The Honorable William W. Wilkins  
Chief Judge  
United States Court of Appeals  
for the Fourth Circuit  
Federal Building, Suite 225  
Greenville, South Carolina 29601

Dear Chief Judge Wilkins:

I am submitting herewith my annual report as Chief Judge of the United States District Court for the District of Maryland. This report covers the period from October 1, 2002 until September 30, 2003. The majority of the information in this report was provided by our court unit executives, managers, and supervisors.

If you have any questions, please do not hesitate to call.

Respectfully,

Benson Everett Legg  
Chief Judge

cc: All District Judges  
Samuel W. Phillips, Circuit Executive  
Felicia C. Cannon, Clerk

**UNITED STATES DISTRICT COURT**

**DISTRICT OF MARYLAND**



**FISCAL YEAR 2003 ANNUAL REPORT**

Benson Everett Legg  
Chief Judge

Felicia C. Cannon  
Clerk

**DISTRICT JUDGES**  
Benson Everett Legg, Chief Judge

**Active Judges**

Catherine C. Blake  
Richard D. Bennett  
Deborah K. Chasanow  
Andre M. Davis  
Peter J. Messitte  
J. Frederick Motz  
William D. Quarles, Jr.  
Alexander Williams, Jr.

**Senior Judges**

Walter E. Black, Jr.  
Marvin J. Garbis  
Alexander Harvey, II  
William M. Nickerson  
Frederic N. Smalkin  
Joseph H. Young

**MAGISTRATE JUDGES**  
Jillyn K. Schulze, Chief Magistrate Judge

**Full-Time**

James K. Bredar  
William Connelly  
Charles B. Day  
Susan K. Gauvey  
Beth P. Gesner  
Paul W. Grimm

**Part-Time**

Thomas M. DiGirolamo  
Victor H. Laws, III

**BANKRUPTCY JUDGES**  
James F. Schneider, Chief Judge

E. Stephen Derby  
Duncan W. Keir  
Paul Mannes

**COURT UNIT EXECUTIVES**

Felicia C. Cannon, Clerk, U.S. District Court  
Mark Sammons, Clerk, U.S. Bankruptcy Court  
William Henry, Chief, U.S. Probation and Pretrial Services Office

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## **DISTRICT COURT**

The District Court is pleased to report another successful year of accomplishments and developments. The ability to achieve consensus among all of the court's constituent agencies in strategically planning our fiscal course of action and our numerous cooperative efforts are the key elements for our consistently excellent performance in this district.

On January 6, 2003, Benson Everett Legg became Chief Judge of the United States District Court for the District of Maryland, succeeding Chief Judge Frederic N. Smalkin. On this bench for twelve years, Judge Legg was commissioned as a United States District Judge on September 16, 1991.

Our district also had the privilege of welcoming two new colleagues to the bench. William D. Quarles, Jr. was commissioned as a United States District Judge on March 14, 2003. He replaced Judge William M. Nickerson who took senior status on June 11, 2002. Judge Nickerson continues to handle a substantial caseload. On January 5, 2003, Judge Frederic Smalkin stepped down as Chief Judge and subsequently took senior status on January 8, 2003 for health reasons. A United States Magistrate Judge on this bench for ten years, Judge Smalkin was commissioned as a United States District Judge on September 26, 1986. On April 29, 2003, Judge Richard D. Bennett was commissioned as a United States District Judge, replacing Judge Smalkin. Judge Marvin J. Garbis took senior status on June 12, 2003, but continues to handle a substantial caseload. Judge Garbis was commissioned as a United States District Judge on December 8, 1989. The court hopes to welcome a replacement for Judge Garbis in the near future.

Of significant impact to this bench during this past year was the death of Edward S. Northrop. Judge Northrop passed away on August 12, 2003. As all who worked with Judge Northrop can attest, he was a courteous, fair-minded man who led a life characterized by adventure and accomplishment. During WWII, Judge Northrop had an impressive tour of duty in Navy Intelligence, rising from lieutenant junior grade to commander, and he had the distinction of receiving commendations from both the Navy and the Army. Following the war, he practiced law and was elected to the Maryland Senate from Montgomery County. In 1959, he became majority leader of the Senate as well as chairman of the Finance Committee. Although Judge Northrop was thinking about running for the United States Senate, this idea was overtaken by Robert Kennedy's suggestion that he would make a fine federal judge. President John F. Kennedy agreed with his brother and nominated Judge Northrop to a post that he loved and which he occupied with flair and distinction from 1961 until his death.

## **STATISTICAL SUMMARY**

The collegiality and resourcefulness of our bench continue to be the main contributing factors in our ability to effectively manage our trial and motions calendars. Our performance in keeping current on our motions has been exceptional. The reports we have filed under the Civil Justice Reform Act for the last year reflect the following number of total motions pending for six months or more:

<u>Period Ending</u>	<u>Total Number of Reportable Motions</u>
March 31, 2003	4
September 30, 2003	1

We consistently achieve these results through open communication and cooperative efforts among the bench. This also enables us to efficiently manage our trial calendars. When relief is needed by a judge who, for example, becomes involved in a trial that lasts longer than was anticipated, other judges freely volunteer to take over cases that otherwise would have to be rescheduled.

The court utilizes an individual case assignment system. In statistical year 2003, we had a total of 4,705 filings, with a weighted case assignment of 410 civil cases and 52 criminal cases per judgeship and an average of 20 jury trials per judge.

In statistical year 2003, of the 3,943 civil cases filed, 291 were Social Security cases. The court was assisted in the processing of these cases by Patrice Callahan, a law clerk specially assigned to Social Security cases.

In addition, this year the court received two new MDL cases, bringing the total MDLs pending to six. Allegheny Energy Securities Litigation was assigned to Judge Andre M. Davis on April 15, 2003 and currently involves sixteen cases. Royal Ahold Securities /ERISA Litigation was assigned to Judge Catherine C. Blake on June 19, 2003 and currently involves thirty-six cases. The other four MDL cases are ProtoGen Sling and Vesica System Products Liability Litigation which is assigned to Chief Judge Benson E. Legg and involves 562 cases; Microsoft Corporation Operating Systems Antitrust Litigation which is assigned to Judge J. Frederick Motz and involves sixty-three cases; Wireless Telephone Radio Frequency Emission Products Litigation which is assigned to Judge Blake and involves ten cases; and Cruciferous Sprout Patent Litigation assigned to Judge William M. Nickerson and involves three cases. Because of the volume of MDL litigation being handled by the district, Judge Motz has worked with the IT Department to establish a web page devoted to MDL litigation.

In statistical year 2003, 520 criminal cases were filed. These cases involved 720 felony defendants. They included several high profile criminal cases. One, which involved the Washington area sniper suspects, drew national media attention and caused the court to develop procedures for accommodating large numbers of reporters. Another case involved allegations of securities fraud at a major financial institution and drew international attention.

The court also handled 975 defendants who were charged with class A misdemeanors along with the largest volume of petty offenses in the country with over 40,000 citations being issued in 2003. Our magistrate judges and court staff travel to six military installations to hear these cases.

## ADMINISTRATION AND MANAGEMENT

### CM/ECF Initiative

On March 3, 2003, the court converted all existing ICMS data to the new CM system. We were one of the first district courts to convert all of our data at one time. At the same time, we instituted electronic filing in civil cases. We were able to accomplish these feats because of the support of the bench, hard work by staff, and cooperation of the bar.

Prior to the conversion, docketing staff labored heroically to clean up information in the ICMS database to ensure that the conversion went smoothly. Staff members put in many additional hours on this project but nevertheless managed to remain current with their regular duties. This feat was particularly remarkable because staffing was down due to transfers and retirements.

A number of staff members were sent to Texas for specialized training. In their absence, other staff members assumed additional duties to ensure that all regular work was accomplished in a timely fashion.

IT staff created a program allowing for on-line registration to use the CM/ECF system which eliminated the need for staff to manually enter attorney users into the system. To date, 4,924 attorneys have registered to use the CM/ECF system.

We have trained over 700 attorneys, paralegals and secretaries in electronic filing. Staff are now offering training at local law schools and colleges. Public access terminals have been installed in the Baltimore and Greenbelt clerk's offices so that members of the public may view documents filed electronically. Work stations have been placed in Baltimore and Greenbelt so that attorneys may convert documents to PDF format and file them electronically. The electronic filing procedures and chambers procedures established by the court have been reviewed and revised based upon the first six months of experience using the system.

Many clerk's office and chambers staff members have been provided with computer upgrades and larger monitors to accomodate use of the CM/ECF system.

## BENCH/BAR RELATIONSHIPS

The Federal Court Liaison Committee is a joint committee of the Federal Bar Association and the Maryland State Bar Association on which several judges serve. On Friday, October 18, 2002, it hosted the Third Biennial Bench-Bar Conference. There was a two hour presentation on *Daubert*



conducted by Magistrate Judge Paul W. Grimm in the morning. The afternoon session focused on recent changes and developments in the law and a demonstration of CM/ECF. There also were break-out sessions allowing members of the bar to discuss issues of general interest with the bench. The conference concluded with a “State of the Court” address.

#### CRIMINAL JUSTICE ACT (CJA) SUPERVISING ATTORNEY

The CJA Supervising Attorney, Donna Shearer, along with a full-time assistant, continues to assist the court in managing all aspects of CJA representation in the district. All submitted vouchers are reviewed to determine the reasonableness of the claim and processed for payment by her office. She reviews and makes recommendations on each request under the CJA for expert and investigative funding. All orders pertaining to expert services or interim payment requests are prepared by her and forwarded to the presiding judicial officer for review and signature.

Ms. Shearer also oversees the panel application process for the CJA Committee. She has responsibility for scheduling the duty day attorneys for the misdemeanor dockets. She prepares the CJA Committee agenda and minutes of each meeting.

Ms. Shearer has provided assistance in budgeting in capital or complex cases to other districts and is assisting the Administrative Office in developing a Guideline for case budgeting.

The Office of the CJA Supervising Attorney saw a large increase in the number of vouchers processed for payment in FY 2003. The voucher totals for the past five fiscal years are:

FY 1999	679 vouchers processed for payment
FY 2000	692 vouchers processed for payment
FY 2001	788 vouchers processed for payment
FY 2002	723 vouchers processed for payment
FY 2003	1,048 vouchers processed for payment.

FY 2003 saw a 45% increase in vouchers processed for payment from FY 2002 figures. There was also a corresponding increase in the fees and expenses for CJA representations in this district.

#### Comparison of Yearly CJA Payments

Payments	FY 2000	FY 2001	FY 2002	FY 2003
Attorneys	\$ 1,509,868.65	\$ 1,386,290.97	\$ 1,339,922.00	\$ 2,636,592.33
Experts (felony & capital cases)	\$ 144,091.07	\$ 115,915.73	\$ 56,895.69	\$ 201,862.18

Total Paid	\$ 1,789,301.60	\$ 1,597,145.35	\$ 1,527,595.36	\$ 2,975,871.41
Total Capital Case Costs	\$ 828,201.48	\$ 374,010.62	\$ 191,524.23	\$ 986,193.74
% CJA Costs attributed to capital cases	46%	23%	12%	33%

Capital cases continue to comprise a large percentage of the workload for the CJA Supervising Attorney. In FY 2003 the CJA Supervising Attorney was responsible for consulting with the Federal Public Defender and assigning counsel in six capital prosecution cases.

To better serve the panel members, in FY 2003 the CJA Supervising Attorney, with the assistance of the court's Information Technology Department, revamped the CJA section of the court's web site.

#### PRO SE STAFF ATTORNEYS

Once again, the overall percentage of the civil caseload presented by prisoner and nonprisoner *pro se* litigants represented roughly one-third of all civil filings in the district.

For a third straight year, actions involving challenges to convictions continue to exceed the number of prisoner civil rights actions. Overall, habeas corpus filings have tapered off, with habeas actions only somewhat higher than civil rights filings.

For the fifth year in a row, total prisoner filings, although constant, did not exceed 1,000. With prisoners universally aware of the "three strikes rule" of the PLRA and the statute of limitations imposed on habeas corpus actions by the AEDPA, it is predicted that prisoner filings will remain fairly constant in the coming year. If this holds true, the current staffing formulas used by the AO will permit the retention of the current staff.<sup>1</sup> Although there is no "weight factor" for courts such as ours where staff attorneys do more than initial screening and fee collection, and also assist with non-prisoner *pro se* and *ifp* matters, current policy does not require "reductions in force" and permits part-time positions rather than the termination of a full-time position if filings ever dip below the bar provided by the funding formula.

As noted previously, many prisoners are now aware of the "three strikes and you're out" provisions of the PLRA, as well as the filing fee requirements, and as a result, fewer "frivolous" civil rights actions are being filed. When civil rights actions are filed, they tend to be more substantive (and

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<sup>1</sup>Three staff attorneys are full-time employees; two others share the fourth position, working part-time. One full-time attorney resigned, effective mid-September.

require more staff resources for resolution) than in the past. Similarly, prisoners are aware of the need to seek habeas corpus relief immediately after exhaustion of state court proceedings; as a result, we are having to research substantive habeas corpus issues, rather than relying primarily on procedural default and timeliness doctrines to resolve 28 U.S.C. § 2254 and § 2255 motions. Thus, while overall filings are consistent with previous years, the commitment of time required of staff attorneys and their assistants in working on these cases and other assigned duties has increased.

### OFFICE OF THE CLERK

In September 2003, the clerk's office announced the appointment of Fran Kessler and Lisa Rosenthal as Chief Deputies for the district's two divisional offices, the northern division in Baltimore and the southern division in Greenbelt. Ms. Rosenthal's primary focus will be on the Greenbelt operation and Ms. Kessler's primary focus on Baltimore. Both Chief Deputies are proven leaders who have demonstrated their exceptional ability to co-manage both divisions. They will serve the court well in these positions.

The balance of the management team for the clerk's office includes Felicia Cannon, the Clerk of Court; Wendy Snowden who is responsible for finance, jury and procurement departments as the Chief Deputy of Administration; and Andy Welkie, Chief Deputy of the Information Technology Department, who has assembled a competent team of IT specialists that have met the many challenges and often competing demands of internal customers, the bar and the public.

The current staffing allocation for both divisions of the clerk's office totals 82.4 positions. With a fairly low rate of employee turnover, the clerk's office enjoys a consistency in the efficiency and effectiveness of services provided. With work performance standards and a comprehensive performance evaluation program in place, staff now has clearly delineated expectations for performance and benchmarks for future advancement.

Staff training and recognition are hallmarks of our goal to provide quality services and products to internal and external users of the office. Staff is well informed and consulted on all anticipated changes in the workplace. The most significant changes are noticeable in both the morale and work performance among staff in the clerk's office. In addition, the increased communication and interaction between the bench and the clerk's office has given staff the confidence and the resources not only to accomplish their objectives, but also to take pride in those accomplishments.

### Public Outreach

The clerk's office participated with the bench on a number of public outreach projects. Clerk's office staff from all sections have participated in orientations for many visiting judges from a number of foreign countries. Those visiting the District of Maryland included guests from Bosnia, Chile, China, Czech Republic, Croatia, Herzegovinia, Macedonia, Malaysia, Mexico, Russia, South Korea,

Southeastern Europe, Thailand, Turkey, Yugoslavia, and Venezuela. The clerk's office in the southern division also works with local arts councils and a number of Brazilian artists who provide artwork for display in the public areas of the courthouse.

The clerk's office in the southern division continues to be involved in a partnership with Eleanor Roosevelt High School to provide high school students with opportunities for internships with all court agencies. Lisa Rosenthal serves on Eleanor Roosevelt High School's Executive Business and Higher Education Advisory Board.

The clerk's office in Baltimore was asked to host student interns from City College High School, taking over an initiative started by Probation/Pretrial Services. From January to May 2003, three students spent mornings in the clerk's office assisting in many departments including intake and attorney admissions. They also completed a number of special projects, shadowed law clerks, and attended court proceedings.

### Administrative Section

#### Attorney Admissions Department

Staff in the Attorney Admissions Department played an active role in providing CM/ECF in-house training to staff and attorneys as well as conducting off-site training classes for area attorneys. Tina Stavrou and Cathy Scaffidi developed procedural manuals for conducting attorney admissions proceedings and processing pro hac vice applications, and they also served for the second year as coordinators for the Combined Federal Campaign in 2003.

#### Finance Department

With all Unit Executives trained, the district went live with district wide certifying officer legislation during fiscal year 2003. In addition to the preparation necessary for the Tri-Annual audit, the Finance Department also conducted an internal audit of the southern division clerk's office and developed an Internal Controls Manual for the clerk's office to reflect the various automation systems in use.

The Finance Department created a detailed procedures manual for the section, and updated its automation systems to the web-based version of FAS4T and the newest version of COLB. In addition, the department served as a nationwide pilot for the implementation of the Treasury Offset Program (TOP). This program provides a standardized interagency fund transfer mechanism for Federal Program Agencies, such as IRS and BOP.

In managing close to three million dollars in restitution yearly, the Finance Department instituted a number of efficiency and cost saving measures, including the creation of more than 500 individual

restitution folders for receipting and disbursing funds, and actively researching cases that needed updated restitution disbursing information. Lastly, the department continues to work closely with the Fourth Circuit Court of Appeals to ensure accuracy of appeals/appellate and PLRA fees.

#### Jury Services Department

Working through the bench's Jury Committee, jury staff has addressed numerous bench, bar and juror concerns and has adopted various changes in process and procedures based upon these recommendations during the past fiscal year. The Jury Department implemented the Administrative Office of the Courts' program of providing light refreshments/beverages to trial and grand jurors. The program has been a great success and is consistent with our policy of providing excellent customer service to citizens who serve their country and this court by fulfilling their obligation to serve as jurors. Another customer service measure has been to provide informative jury materials on the court's web site. In addition, jury staff has submitted numerous modification requests to the Administrative Office to streamline and improve the functions of JMS.

With regard to training, jury staff participated in basic computer training classes and served on the Internet Content Committee, a sub-committee of the bench's Information Technology Committee. Jury staff also had the privilege of orienting Judges Quarles and Bennett on the local practices and procedures for jury selection.

#### Procurement Department

The Procurement Department successfully converted government postage meters to commercial postage meters. This department has also been very involved in reviewing internal practices to insure the court is compliant with all new processes and procedures that have been instituted to assist the court achieve sound stewardship, including conducting site visits to vendors prior to purchasing office equipment. The department worked with the Bankruptcy Court to excess the previous district telephone system. Staff participated in the Administrative Office of the Courts Procurement Focus Group.

#### Space and Facilities

A major project for the Administration section this year was the completion of all necessary purchases and planning for the renovation of the administration wing of the clerk's office in Baltimore. This project has been a huge undertaking with construction beginning in September of 2003. The anticipated completion of this renovation project is January 2004.

After many years and persistent effort, the ADA accessible courtroom project in the M.R. Toulson Federal Building in Salisbury was completed in the Spring. A grand opening ceremony was held on June 3, 2003, with a courtroom full of dignitaries attending. The ceremony included the

unveiling of the portrait of Magistrate Judge James P. Bailey, who served as a part-time magistrate judge for 17 years, until his death in 1987.

In the southern division, the ten year housing plan saw progress in the following areas:

- ! the Probation and Pretrial Offices moved the Probation section of its operation into leased space;
- ! temporary judicial chambers were designed and constructed for Judge Bennett;
- ! the lobby was re-designed to enhance security as part of GSA's First Impression project; construction will occur in FY 04;
- ! GSA began negotiations with Phillips Swager for design and construction of clerk's office space and permanent judicial chambers and courtrooms; and
- ! the Greenbelt judicial conference room was renovated.

In the northern division, the ten year housing plan saw progress in the following areas:

- ! the completion of the renovation of courtrooms 7A & 7D with state of the art audio and technology systems installed;
- ! completed renovation of all public restrooms in the courthouse by GSA;
- ! construction started on Phase I of the clerk's office administrative wing on September 22, 2003; and
- ! Phase 1A of GSA's First Impression project moved forward with construction scheduled to begin in November 2003, to include the relocation of the front doors.

A number of 2002 cyclical maintenance projects were completed, including the repair or replacement of carpet, new draperies, and painting of several courtrooms and chambers in both divisions, and the replacement of gallery bench cushions in several courtrooms on the third floor in the Baltimore courthouse. Maintaining funding for cyclical maintenance projects continues to be a major challenge for the court in these difficult financial times.

#### Court Operations Section

##### Archiving

In addition to playing a major role in the implementation of CM/ECF, staff in both divisions worked on on-going archiving projects. They were aided by the IT Department which has developed a program to identify records due to be archived.

#### Cross Training

Budgetary constraints have forced the court to postpone filling a number of vacant positions. The resulting staffing shortage has made it common for staff members to be called upon to assist in areas outside of their assigned sections. Staff have willingly learned new jobs in order to be able to provide assistance when needed.

#### Case Processing and Records Sections

The case processing and records sections have assumed additional duties in providing information on electronic filing requirements and procedures. They have taken on additional quality control responsibilities for new electronic cases. Unfortunately, budgetary constraints and staffing shortages have caused us to decrease the hours we are open to the public from 9:00 a.m. to 5:00 p.m. to 9:00 a.m. to 4:00 p.m.

#### Docketing Sections

Docket clerks now have primary responsibility for assisting attorneys with electronic filing. Their role in quality control has greatly increased. They also are providing feedback and suggestions for modification of the electronic filing system to make it more efficient. As experience is gained with CM/ECF, detailed written procedures are being developed.

#### Courtroom Deputy Section

The courtroom deputy section continues to provide outstanding service and support to the judges, the jurors, and to all participants in the courtroom. They have met the challenge of keeping current on the new and enhanced courtroom technology that is now available for litigants in trial, including white boards, evidence presentation systems and video conferencing equipment.

The courtroom deputy section continues to act as liaison between the court and agencies such as the U.S. Marshal Service, U.S. Pretrial/Probation Office, and the U.S. Attorney's Office as well as members of the bar, jurors, and the general public while maintaining the highest level of professionalism, courtesy and respect for all concerned. Additionally, CRDs provide support to judges in both divisions, and to visiting judicial officers.

CM/ECF has been a focus for the CRDs as well. CRDs along with other staff members have

served as trainers to both court personnel and external users. CRDs have taken on the additional responsibility of docketing in magistrate judge cases and provide back up to the docketing section in asbestos cases.

#### Central Violations Bureau/Petty Offenses

A written management review report was received from the Administrative Office addressing the court's misdemeanor/petty offense docket. The AO identified 17 recommendations. The court's response was to form a committee to evaluate the recommendations and oversee implementation of the recommendations. With the assistance of the report and as part of our on-going improvement effort, we have accomplished a number of enhancements to our procedures that have resulted in either improved customer service and/or improved efficiencies. Those include: rewriting the database into a web-based application for ease of use and to improve access to the data; providing remote access to the databases from our off-site location in Hyattsville; re-directing routine inquiries and payments to CVB in San Antonio; automating the distribution of dockets which replaced a cumbersome, paper-intensive process; and discontinuing or modifying some records retention policies for duplicate materials.

In addition, the court worked with Central Violations Bureau (CVB) and the state MVA to re-institute the practice of flagging car registrations for those who failed to pay parking tickets. Several CRDs and other staff members attended training offered by the CVB at the Administrative Office. The purpose of court representation was to provide the officers with some of the concerns the court has regarding citations.

#### Information Technology Department

The IT department has made a number of infrastructure and web site improvements this year. All of these accomplishments, however, have been overshadowed by the IT department's assistance in the implementation of CM/ECF.

- Network
  - ▶ Upgraded Baltimore network to gigabit backbone.
  - ▶ Reconfigured computer and installed anti-static carpet.
  - ▶ Implemented high speed access for Judge DiGirolamo in Hagerstown and for Judge Laws in the newly renovated courthouse in Salisbury.
- Disaster Recovery
  - ▶ Moved storage of backup tapes to offsite location.
  - ▶ Implemented remote server room access.



- Applications
  - ▶ Assisted the clerk's office and chambers with the implementation of CM/ECF.
  - ▶ Created an automated on-line attorney registration process for CM/ECF.
  - ▶ Enhanced the MDL section of the court web site.
  - ▶ Added CM/ECF information pages to the court web site.
  - ▶ Implemented a web based CVB application.
  - ▶ Made CVB data available to other court units on the DCN - plan to expand availability of that data to non-judiciary entities.
- Completed the construction of "High-Tech" courtrooms 7A & 7D.

### Personnel and Training Support

There were a number of retirements from the court this year. Gloria Scheidegger, after many years of doing double-duty in both the clerk's office and Judge Motz's chambers, retired on February 28, 2003. Also retiring that day was John Wike after a lengthy career in both the civilian and military sectors of the government. On July 31, 2003, Mary Starr joined the ranks of federal government retirees.

Zandra Frazier joined the clerk's office in Greenbelt on June 30, 2003 as an Intake/Docket Clerk, transferring from the Bankruptcy Court clerk's office in order to replace Irene Blasingame who left the court to manage her own business. On September 12, 2003, Cathy Mullikin left the staff of the Pro Se Staff Attorney's Office to return to her home state of Alabama and John Cerino transferred to the District of Delaware to become its Chief Deputy Clerk.

Following the assignment of Rick Henry of the United States Marshal's Office to court security, the district's Occupant Emergency Plan was reviewed, revised and distributed to all employees. Additionally, a quick reference flip chart was prepared and distributed.

With CM/ECF going live on March 3, 2003, the key focus of training for fiscal year 2003 was helping court staff, attorneys, paralegals, and legal secretaries prepare for this new case management and electronic case filing system. Chambers and clerk's office staff served as the court's lead trainers for internal and external users of the system. Court staff received training in late January and early February and then in mid-February, CM/ECF classes started for attorneys and their support staff. Classes continue to be offered regularly in both Baltimore and Greenbelt. Presentations to the bar are ongoing in the court's continuing efforts to make all customers aware of the CM/ECF initiative. Future outreach endeavors on the calendar include CM/ECF training for paralegals at Villa Julie College and for law students at the University of Maryland School of Law.

United States Magistrate Judge Paul Grimm conducted his annual Law Clerk Orientation on

September 17, 2003 and in late September, a number of new law clerks attended training sponsored by the District Judges' Association of the Fourth Circuit. Employees continue to borrow videos from the clerk's office training library and attend workshops sponsored by the Federal Executive Board, the Administrative Office, the Federal Judicial Center and the Federal Court Clerks' Association in efforts to develop and enhance their skills and abilities.

### **UNITED STATES MAGISTRATE JUDGES**

The bench is supported by a highly qualified and competent contingency of full-time and part-time magistrate judges who have mastered the art of settling civil disputes, in addition to handling their burgeoning criminal, Social Security, discovery and consent trial dockets.

The magistrate judges share the civil and criminal responsibilities in the northern and southern division courthouses. The Veterans Administration and Social Security Administration misdemeanor dockets are heard in the Baltimore Courthouse. In addition to their duties in these facilities, the magistrate judges hold court in the M.R. Toulson Federal Building and Post Office in Salisbury, and federal facilities at the Aberdeen Proving Grounds, Andrews Air Force Base, the Annapolis Naval Academy, Fort Ritchie/Fort Detrick, Fort Meade, and the Patuxent River Naval Air Station. Our magistrate judges also sit in Hyattsville where the United States Park Police (USPP) docket and dockets covering the National Institutes of Health (NIH) and five other federal facilities are heard. The USPP docket generates the largest volume of traffic and parking violations in the country. Based on statistics provided by the Administrative Office of the Courts, these represent the largest miscellaneous and class A misdemeanor dockets in the federal judiciary.

### **BANKRUPTCY COURT**

The bankruptcy court continues to carry one of the heaviest dockets in the country. For calendar year 2002, a record number of 35,334 new cases were filed in the district, thereby maintaining Maryland's position as the ninth busiest bankruptcy court. An increase in the number of chapter 11 cases of nearly 22% further taxed the resources of the court. The bankruptcy bench works selflessly to administer this work with the third highest weighted caseload among bankruptcy courts. Our use of visiting judges is increasing as the prospects of legislative relief in terms of new judgeships continues to fade. The bankruptcy court implemented its version of CM/ECF in April of 2003, and remains hopeful that greater efficiencies can be realized through increased volume of electronic filings.

Over the past year, the bankruptcy court continued its collaborative and cooperative relationship with the members of its bar. Many members of the bar served on committees established to assist with the implementation of electronic case filing. In cooperation with the district court, a

practitioners' guide on removal actions was developed. A program to introduce new, young lawyers to the bankruptcy court was developed by the chief bankruptcy judge, the clerk, and the president of the Bankruptcy Bar Association and is now an annual event. Most recently, the Rules Committee of the bar provided valuable feedback on proposed changes to the local bankruptcy rules.

Efforts are underway to relocate the bankruptcy court out of the Greenbelt Federal Courthouse to make room for needed expansion of the district court. With the assistance of the Office of the Circuit Executive and the General Services Administration, it is expected that the court will relocate in the summer of 2005.

### **UNITED STATES PROBATION AND PRETRIAL SERVICES OFFICE**

The Probation and Pretrial Services Office's commitment to the court is matched only by its professional obligation of assuring community safety. This office extends the court into the lives of those defendants and offenders who, for whatever reasons, have taken ill-chosen paths into the federal criminal justice system. Tasked with both controlling and correcting the behavior of over 3,000 men and women in the District of Maryland, U.S. Probation and Pretrial Services officers accept the personal risks inherent in working with this population. Careful stewardship of specialized, limited resources enables these officers to consistently aid those who need treatment or other assistance without indulging or tolerating noncompliant behavior.

### **SUMMARY**

This district continues to provide exemplary service to litigants, the bar, jurors, other government and court agencies, and the public. Maintaining this standard has been possible because of the dedicated commitment of all members of our court family in the execution of their daily responsibilities. The bench greatly appreciates the cooperation, support and effort of all internal and external agencies who contribute to this court's success. The bench also thanks visiting Judges Joseph R. Goodwin and David A. Faber for their invaluable assistance in meeting the demands of our court calendars.

The comprehensive Strategic Report that was implemented by the bench on March 18, 1999, continues to be a guide for improvement in the overall operations of this court. As noted previously, the purposes behind implementing the plan included (1) requiring the bench to articulate and critique its assumptions, (2) maintaining a consensus regarding operating goals and practices, (3) forcing the bench to consider long-term implications of short-term budget, personnel and construction decisions, (4) identifying future trends that may have an impact upon the court and its constituent agencies, and (5) setting benchmarks by which we can measure performance. The Strategic Report ensures that the court will remain focused on guiding the district toward the achievement of all stated goals and future initiatives.

